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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,039	02/19/2002	Edward Darl Dunlap	8398-21	6755
20575	7590	02/06/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,039

Applicant(s)

DUNLAP ET AL.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/26/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "Ethernet MAC address on a switch port" as disclosed on claim 1, lines 5 – 6; " IP telephony call controller to the IP telephony instrument" as disclosed on claim 1, lines 8 – 9; " Ethernet MAC address within the telephony call controller" as disclosed on claim 2, lines 18 – 19; "sending the SNMP alarm and the physical Ethernet MAC address on the switch port to an IP telephony call controller" as disclosed on claim 3, lines 31 – 32; "generating a proprietary message" on claim 4, line 5; "sending said proprietary message from the switch " as disclosed on claim 4, line 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the

top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "from the switch" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6650901 B1) in view of Pezzutti (US 6760762 B2).

Regarding claims 1, 9, Schuster et al. disclose the limitation of a method of maintaining physical location association with an IP telephony instrument (Fig. 2A, Abstract, lines 1 – 10; column 11, lines 11 – 18), comprising the steps of: notifying an IP telephony call controller of said change; sending at least one information prompt from the IP telephony call

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controller to the IP telephony instrument (column 13, lines 37 – 55); receiving a response to said at least one information prompt, said response including a physical location of said IP telephony instrument ; and maintaining said physical location in association with said IP telephony instrument (column 14, lines 16 – 42). Schuster et al. do not disclose expressly detecting a change of an Ethernet MAC address on a switch port. Pezzutti discloses the limitation of detecting a change of an Ethernet MAC address on a switch port (column 19, lines 53 – 67; column 20, lines 1 – 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include detecting a change of an Ethernet MAC address on a switch port such as that taught by Pezzutti in order to provide intelligent network which provide access services for the benefit of network providers, service providers and customers (as suggested by Pezzutti ,see column 1, lines 11 – 14).

Regarding claims 2, 10, Schuster et al. disclose the limitation of the method of maintaining physical location association (Fig. 2A, Abstract, lines 1 – 10; column 11, lines 11 – 18) according to claim 1, further comprising the steps of: Schuster et al. do not disclose expressly flagging the Ethernet MAC address within the telephony call controller; and determining said IP telephony instrument is in an off-hook condition, prior to the step of sending said at least one information prompt to the IP telephony instrument, wherein said step of sending said at least one information prompt is performed when said IP telephony instrument is in the "off-hook" condition. Pezzutti discloses the limitation of flagging the Ethernet MAC address within the telephony call controller (column 19, lines 53 – 67; column 20, lines 1 – 3); and determining said IP telephony instrument is in an off-hook

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condition, prior to the step of sending said at least one information prompt to the IP telephony instrument, wherein said step of sending said at least one information prompt is performed when said IP telephony instrument is in the "off-hook" condition (column 3, lines 38 – 44; column 18, lines 11 – 31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include flagging the Ethernet MAC address within the telephony call controller; and determining said IP telephony instrument is in an off-hook condition, prior to the step of sending said at least one information prompt to the IP telephony instrument, wherein said step of sending said at least one information prompt is performed when said IP telephony instrument is in the "off-hook" condition such as that taught by Pezzutti in order to provide intelligent network which provide access services for the benefit of network providers, service providers and customers (as suggested by Pezzutti, see column 1, lines 11 – 14).

Regarding claim 3, Schuster et al. disclose the limitation of the method of maintaining physical location association (Fig. 2A, Abstract, lines 1 – 10; column 11, lines 11 – 18) according to claim 2, Schuster et al. do not disclose expressly wherein the step of notifying a telephony call controller of said change comprises: generating a standard network management protocol alarm in response to said change; and sending the SNMP alarm and the physical Ethernet MAC address on the switch port to an IP telephony call controller. Pezzutti discloses the limitation of wherein the step of notifying a telephony call controller of said change comprises: generating a standard network management protocol alarm in response to said change (column 3, lines 3 – 8; lines 20 – 22); and sending the SNMP alarm and the physical Ethernet MAC address on the switch port to an IP

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telephony call controller (column 3, lines 10 – 22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include wherein the step of notifying a telephony call controller of said change comprises: generating a standard network management protocol alarm in response to said change; and sending the SNMP alarm and the physical Ethernet MAC address on the switch port to an IP telephony call controller such as that taught by Pezzutti in order to provide intelligent network which provide access services for the benefit of network providers, service providers and customers (as suggested by Pezzutti, see column 1, lines 11 – 14).

Regarding claim 4, Schuster et al. disclose the limitation of the method of maintaining physical location association (Fig. 2A, Abstract, lines 1 – 10; column 11, lines 11 – 18) according to claim 2, Schuster et al. do not disclose expressly wherein the step of notifying a telephony call controller of said change comprises: generating a proprietary message including the Ethernet MAC address; and sending said proprietary message from the switch to the IP telephony call controller. Pezzutti discloses the limitation of wherein the step of notifying a telephony call controller of said change comprises: generating a proprietary message including the Ethernet MAC address; and sending said proprietary message from the switch to the IP telephony call controller (column 5, lines 67, column 6, lines 1 – 16; column 19, lines 53 – 67; column 20, lines 1 – 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include wherein the step of notifying a telephony call controller of said change comprises: generating a proprietary message including the Ethernet MAC address; and sending said proprietary message from the switch to the IP telephony call

controller such as that taught by Pezzutti in order to provide intelligent network which provide access services for the benefit of network providers, service providers and customers (as suggested by Pezzutti, see column 1, lines 11 – 14).

Regarding claim 5, Schuster et al. disclose the limitation of the method of maintaining physical location association according to one of claims 3 and 4 wherein said IP telephony instrument is an IP telephone (column 19, lines 53 – 58).

Regarding claim 6, Schuster et al. disclose the limitation of the method of maintaining physical location association according to one of claims 3 and 4 wherein said at least one information prompt is an audible prompt (column 21, lines 4 – 7).

Regarding claim 7, Schuster et al. disclose the limitation of the method of maintaining physical location association according to claim 6 wherein said response is entered on a keypad of the IP telephony instrument (Fig. 2B, element 264; column 11, lines 54 – 61).

Regarding claim 8, Schuster et al. disclose the limitation of the method of maintaining physical location association (Fig. 2A, Abstract, lines 1 – 10; column 11, lines 11 – 18) according to claim 6 wherein said response is a voice response and said method further comprises the step of converting said response into numeric location information using voice recognition software (column 21, lines 4 – 21).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-

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3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

Feb 02, 2006


Ajit Patel
Primary Examiner